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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/918,563	07/31/2001	Franck Barillaud	AUS9-2001-0562-US1	3586
40412	7590	09/08/2006	EXAMINER	
IBM CORPORATION- AUSTIN (JVL) C/O VAN LEEUWEN & VAN LEEUWEN PO BOX 90609 AUSTIN, TX 78709-0609			WALSH, JOHN B	
			ART UNIT	PAPER NUMBER
			2151	

DATE MAILED: 09/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/918,563

**Applicant(s)**

BARILLAUD, FRANCK

**Examiner**

John B. Walsh

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on amdt. of 6/27/2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4,7-10,13-17 and 20-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,7-9,13-16 and 20 is/are rejected.
- 7) ☒ Claim(s) 4, 10, 17, 21-23 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Terminal Disclaimer*

1. The terminal disclaimer filed on June 27, 2006 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of 09/918,594 has been reviewed and is accepted. The terminal disclaimer has been recorded.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3, 7-9, 13-16 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 7,017,188 to Schmeidler et al.

Schmeidler et al. disclose:

As concerns claim 1, a method for selecting download content, said method comprising: sending a plurality of strip information elements to a remote device (column 2, line 3; figure 2A-PC), wherein respective ones of the plurality of strip information elements describe downloadable content (column 4, lines 37-40; column 3, lines 40-41); receiving, in response to a user selection corresponding to one of a plurality of strip information elements at the remote device, a request from the remote device that corresponds to the selected strip information element (column 8, lines 25-45); retrieving, in response to the request, downloadable content

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corresponding to the selected strip information element from a nonvolatile storage device (servers; 206); and sending the retrieved downloadable content to the remote device (413).

As concerns claims 2, 9 and 15, wherein the strip information elements include one or more elements from the group consisting of an execution option, a lifecycle option, a navigation option, a persistence option, a security key (column 3, line 41), a configuration option, a strip identifier, and a strip description.

As concerns claims 3 and 16, further comprising: displaying the downloadable content on a display (column 10, lines 35-36) included in the remote device.

As concerns claims 7, 13 and 20, wherein each of the strips includes a content type, wherein the content type is selected from the group consisting of text, video, video plus, and audio (column 1, lines 36-37).

As concerns claims 8 and 14, an information handling system comprising: one or more processors (inherent for PC and servers to have a processor); a memory (inherent for PC and servers to have memory) accessible by the processors; a network interface for communicating with other information handling systems (inherent within the network for devices to have a network interface for communicating); one or more nonvolatile storage areas accessible by the processors (servers; 206); and a selective download tool (figure 2A, browser and 220,218,222) and for selecting download content, the selective download tool including: means for sending (network interface on network devices) a plurality of strip information elements to a remote device (column 2, line 3; figure 2A-PC), wherein respective ones of the strip information elements describe downloadable content (abstract, lines 10-12); means for receiving, in response to a user selection corresponding to one of the plurality of strip information elements at the

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remote device, a request from the remote device that corresponds to the selected strip information element (abstract, lines 10-13); means for retrieving, in response to the request, downloadable content corresponding to the selected strip information element from one of the nonvolatile storage device (servers; 206; 204,212,213); and means for sending (inherent that network device has a transmitter means for sending data) the retrieved content to the remote device (413).

#### ***Allowable Subject Matter***

4. Claims 4, 10, 17 and 21-23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Response to Arguments***

5. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

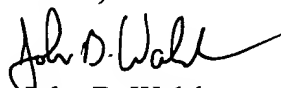
6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John B. Walsh whose telephone number is 571-272-7063. The examiner can normally be reached on Monday-Wednesday from 5:30-4:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on 571-272-3939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
John B. Walsh  
Primary Examiner  
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